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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

EROABLUM DEAN TURNER,

Defendant and Appellant.

C069684

(Super. Ct. No.
10F01065)

Appointed counsel for defendant Eroablum Dean Turner has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We shall affirm the judgment.

BACKGROUND

At approximately 10:00 a.m. on December 22, 2008, defendant entered Emilio Balingit's bedroom carrying a kitchen knife. Defendant walked to Balingit's desk, warning Balingit not to "try anything stupid. [He] ha[s] two people outside ready to fuck [him] up." Defendant picked up Balingit's laptop computer,

told Balingit to "have a nice fucking Christmas," and walked out of the room. Once Balingit heard defendant leave the house, he grabbed a golf club, called 911 from his cell phone, and began following defendant down the street.

After law enforcement arrived on the scene, a police officer saw a man in a gray shirt matching defendant's description carrying two bags and climbing over a back fence of a nearby apartment complex. The officer found two bags containing items stolen from Balingit's house hanging from the fence. Officers later saw a woman, believed to be defendant's mother, carrying one of the bags into an apartment. Defendant's mother and two sisters lived in apartment number four and defendant had been seen at that apartment on prior occasions.

After a five-day trial, the jury found defendant guilty of residential burglary with a person present and robbery of Balingit, and found he personally used a deadly weapon in committing the offenses. (Pen. Code,¹ §§ 459, 211, 667.5, subd. (c)(21), 12022, subd. (b)(1).)

The trial court sentenced defendant to the midterm of four years in prison for the robbery and a consecutive one year for the deadly weapon enhancement, for an aggregate term of five years in state prison. The court stayed sentence on the burglary and its enhancements pursuant to section 654. The court ordered defendant to pay various fines and fees, including

¹ Further undesignated statutory references are to the Penal Code.

a \$1,000 restitution fine, and awarded defendant a total of 265 days of presentence custody credit. Defendant appeals.

DISCUSSION

Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

BUTZ, Acting P. J.

MURRAY, J.